

TROY LAW, PLLC
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*Attorney for the Plaintiffs, proposed FLSA Collective and
potential Rule 23 Class*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PARANEE SARIKAPUTAR,
SYSOUVONG, PHOUVIENGSONE,
SUPUNNEE, SUKASAWETT,
VINAI, PATAN, and
SITTIDAJ, WIPPAPORN,
*on their own behalf and on behalf of others similarly
situated*

Plaintiffs,
v.

VERATIP CORP
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
J AKIRA LLC
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
THAINY RESTAURANT LLC
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
NINETY-NINE PLUS CORP
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
9999 MIDTOWN CORP
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
PERAPONG CHOTIMANENOPHAN
a/k/a Peter Chotimanenophan,
MICHAEL P BRONSTEIN, and
CHARDENPONG OONAPANYO

Defendants.

Case No. 17-cv-00814

29 U.S.C. § 216(b)
COLLECTIVE ACTION &
FED. R. CIV. P. 23 CLASS
ACTION

**DECLARATION OF JOHN
TROY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CONDITIONAL
COLLECTIVE
CERTIFICATION**

JOHN TROY, an attorney admitted to practice law in the State of New York and before the United States District Court for the Southern District of New York, hereby affirms under penalty of perjury that:

1. I am the principal of Troy Law, PLLC, attorney for the Plaintiffs and putative class in this action. I submit this affirmation in support of Plaintiffs' motion for an Order granting collective action status pursuant to 29 U.S.C. § 216(b) for Plaintiffs' claims under the Fair Labor Standards Act.

2. The putative class consists of the named Plaintiffs and all nonexempt current and former employees of Defendants VERATIP CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum; J AKIRA LLC d/b/a ThaiNY, d/b/a M-Thai, and d/b/a Thai Rice; THAINY RESTAURANT LLC d/b/a ThaiNY, d/b/a M-Thai, and d/b/a Thai Rice and ; NINETY-NINE PLUS CORP d/b/a ThaiNY, d/b/a M-Thai, and d/b/a Thai Rice; and 9999 MIDTOWN CORP d/b/a ThaiNY, d/b/a M-Thai, and d/b/a Thai Rice; PERAPONG CHOTIMANENOPHAN a/k/a Peter Chotimanenophan, MICHAEL P BRONSTEIN, and CHARDENPONG OONAPANYO (collectively the “Defendants”) who performed work as non-exempt, non-managerial employees from February 02, 2014 to present for the following locations:

- M-Thai/ Tom Yum:
 - at 232 Eighth Avenue, New York, NY 10011; and
 - at 200 Eighth Avenue, New York, 10011.
- ThaiNY:
 - at 394 Third Avenue, New York, NY 10016;
 - at 1750 2nd Avenue, New York, NY 10128; and
 - at 1718 2nd Avenue, New York, NY 10128.
- Thai Rice:
 - 165 West 23rd Street, New York, NY 10011.

3. Corporate officers, shareholders, directors, administrative employees, managers, and other customarily exempt employees are not part of the defined class.

4. The following exhibits are annexed:

1. Exhibit 01 – Complaint;
 2. Exhibit 02 - Proposed Notice of Pendency; and Consent to Sue Form
 3. Exhibit 03 - Proposed Publication Order;
 4. Exhibit 04 - Affidavit of PARANEE SARIKAPUTAR, in Support of Plaintiffs’ Motion for Conditional Collective Certification;
 5. Exhibit 05.- SYSOUVONG, PHOUVIENGSONE, in support of Plaintiffs’ Motion for Conditional Collective Certification.
 6. Exhibit 06 - Affidavit of SUPUNNEE, SUKASAETT, in support of Plaintiffs’ Motion for Conditional Collective Certification;
 7. Exhibit 07 - Affidavit of VINAI, PATAN, in support of Plaintiffs’ Motion for Conditional Collective Certification;
 8. Exhibit 08 – Affidavit of SITTIDAJ, WIPPAPORN, in support of Plaintiffs’ Motion for Conditional Collective Certification.
5. As alleged in the complaint, the Named Plaintiffs and proposed members of the class experienced a common set of policies and practices by the Defendants as to wages and hours that violated the FLSA, and there are more similarly situated current and former employees who have been subjected to the same unlawful employment practices.
6. Plaintiffs allege that they have personal knowledge of other employees who were subject to these policies and the details are further set forth in their affidavit herewith.
7. Troy Law, PLLC, has considerable experience in employment and labor law, and has

successfully represented workers in numerous cases similar to the case at bar to recover unpaid overtime and minimum wage pay in federal and state courts under the Fair Labor Standards Act and New York Labor Law.

8. For the reasons set forth above and those set forth in the accompanying Memorandum of law, Plaintiffs respectfully request that this Court enter an Order granting collective action status, pursuant to 29 U.S.C. § 216(b) for Plaintiffs' claims under the Fair Labor Standards Act.

Dated: Flushing, New York

June 28, 2018

Respectfully submitted
TROY LAW, PLLC
*Attorneys for the Plaintiffs, proposed FLSA
Collective and potential Rule 23 Class*

/s/ John Troy
John Troy (JT0481)